IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3453 OF 2006

Shahaji Annaso Patil & ors. Applicants
versus
The State of Maharashtra Respondent

Shri A.P.Mundargi i/by V.V.Purwant for applicants
Ms.R.M.Gadhavi, APP for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 25th September 2006

PC :

1. Heard Shri Mundargi appearing for the applicants-original accused and the learned APP for State. The applicants are apprehending arrest in connection with CR No.62 of 2006 registered at Panhala Police Station.

2. In all fairness, Shri Mundargi states that barring application of Section 326 to the incident, all offences alleged are bailable. However, he submits that it is a case where the Union rivalry is the cause of the alleged incident. There are two unions in the sugar factory out of which one is local union. On

account of the fact that the local union negotiated for a package for workmen who were on strike for a considerable period of time, the other faction was agitated.

3. He submits that the complaint is registered only because of the enemity between two unions and the factions in the workmen. The fact that there is a dispute between the management and the workmen is not disputed.

4. Shri Mundargi submits that there are no complaints of any grievous injuries and the nature of injuries would disclose that no offence u/s 326 of IPC is made out.

5. In all fairness the APP produces Injury Certificate. One of the injured has taken a discharge against medical advise after getting treatment for some simple injuries whereas other has also been discharged for treatment of simple injuries.

6. The applicants are members of local union and are based within the area of operation of the sugar factory. They have deep roots and barring this incident, there are no antecedents. They

are willing to co-operate in the investigation.

7. After perusing the entire materials and considering the injury certificate, prima facie, there is substance in the contention of shri Mundargi that this is a complaint which is lodged on account of union rivalry by office bearers of a rival union. In such circumstances, in the event of their arrest, the applicants are entitled to protection.

8. Further, applicant no.2 has not been named also. One of the applicant is a student and others are carrying on agricultural operations. All the applicants are willing to reside outside the limits of Panhala Police Station. They will attend local Police Station as also report at Panhala Police Station as and when summoned, till charge sheet is filed. Hence, following order:-

9. ORDER :-

(i) In the event of the arrest of the applicants in connection with C.R.No.62 of 2006 registered with Panhala Police Station, the applicants shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.15,000/- (Rs.Fifteen

thousand only) each with one or two local sureties in the like sum;

(ii) The applicants shall communicate to the Investigating Officer their residential addresses where they propose to reside after bail, and they shall not change their new residence without intimation to the I.O;

(iii) The applicants are permitted to enter the limits of Panhala Police Station only for the Court proceedings and till conclusion of trial;

(iv) The bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade them from disclosing such facts to the Court or to the Police Officer/Investigating Agency. The applicant shall not tamper with the prosecution evidence;

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial;

(vi) This order will enure to the benefit of the applicants only till charge sheet is filed. Thereafter, they will be free to apply to the appropriate Court for appropriate relief.

(vii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)